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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,062	04/11/2006	Pilgrim G.W Beart	120270.129223	4275
28440 7590 02/23/2010 WARNER, NORCROSS & JUDD IN RE: ALTICOR INC. INTELLECTUAL PROPERTY GROUP 111 LYON STREET, N. W. STE 900 GRAND RAPIDS, MI 49503-2489				
EXAMINER				
WENDELL, ANDREW				
ART UNIT		PAPER NUMBER		
2618				
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02/23/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,062

**Applicant(s)**

BEART ET AL.

**Examiner**

ANDREW WENDELL

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6, 7, 11-15, 19-31, 38, 39, 43, 52-59, 61 and 62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 11-15, 19-31, 38, 39, 43, 52-59, 61 and 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-7, 11-15, 19-28, 30-31, 38-39, 43, 52-59, and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (WO 96/02879) in view of Mickie et al. (US Pat# 2005/0192062) and further in view of Dayan et al. (US 7,392,068).

Regarding claim 1, Kikinis teaches power receiving apparatus for use with a portable electrical device having a battery compartment adapted to contain a battery 15 (Figs. 3 and 6) for supplying power to the portable electronic device, to enable the device to receive power wirelessly, the apparatus comprising a power-receiving element 98 (Fig. 18) adapted to be attached to the device 10 (Fig. 18), and also adapted to receive power wirelessly from a transmitter of power when the element and the transmitter are in proximity with one another (Page 11 line 28-Page 12 line 4 and Page 33 lines 4-15); and one or more power connectors which, when the apparatus is in use, are connected electrically to the power-receiving element and are adapted to be connected to one or more corresponding power connectors of the portable electrical device to deliver power received by the element to the portable electronic device (Page

11 line 28-Page 12 line 4 and Page 33 lines 4-15). Kikinis fails to teach an inductive power-receiving element and for use with a separate device.

Mickle teaches an inductive power-receiving element 100 (Fig. 1) adapted to be applied to the inside of the device 4 (Fig. 1), the inductive power-receiving element adapted to receive power wirelessly 30 (Fig. 1) by electromagnetic induction from a transmitter 2 (Fig. 1) of power when the element and transmitter are in proximity with one another (Section 0030).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an inductive power-receiving element as taught by Mickle into Kikinis's wireless power receiving apparatus in order to increase efficiency (Sections 0013-0014).

Kikinis and Mickle fail to teach a power-receiving element for use with a separate device.

Dayan teaches a power-receiving element for use with a separate device that is not able on its own to receive power wirelessly 118 (Figure 9 and 10 and Col. 8 lines 17-33).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an inductive power-receiving element as taught by Mickle into a power-receiving element for use with a separate device as taught by Dayan into Kikinis's wireless power receiving apparatus in order to increase mobility of the device while the device is charging (Col. 1 lines 38-42).

Regarding claim 2, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is applied to a surface of the battery compartment 15 (Figs. 3 and 6).

Regarding claim 3, Kikinis further teaches mechanical attachment arrangement adapted to attach the power-receiving element mechanically to the device to cover at least a portion of the battery compartment when the apparatus is in use (Fig. 18, Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 6, Kikinis further teaches a flexible connecting member connecting the one or more power connectors flexibly to the power-receiving element (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 7, Kikinis further teaches wherein the flexible connecting member also serves to connect the one or more power connectors electrically to the power-receiving element (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 11, Mickle further teaches power-conditioning circuitry operable to condition the power received by the power-receiving element prior to delivery to the portable electrical device (Section 0030).

Regarding claim 12, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is small relative to the portable electrical device 10 (Fig. 18).

Regarding claim 13, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is thin relative to the portable electrical device 10 (Fig. 18).

Regarding claim 14, Kikinis further teaches wherein a volume occupied by the power-receiving element 98 (Fig. 18) is small in comparison with a volume occupied by the portable electrical device 10 (Fig. 18).

Regarding claim 15, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is of sufficiently small dimensions that, when attached to the portable electrical device 10 (Fig. 18), it does not substantially alter the ergonomics of the device.

Regarding claim 16, Kikinis further teaches wherein parts of the power-receiving element 98 (Fig. 18) that are visible to a user of the device 10 (Fig. 18) when the element is attached to the device have an external appearance which conforms to an external appearance of adjacent parts of the device (Fig. 18).

Regarding claim 17, Kikinis further teaches wherein a part of the power-receiving element 98 (Fig. 18) which must be placed in proximity with the transmitter is marked or coloured or labelled distinctively (obvious it will have different color because of the panels).

Regarding claim 18, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) has, at a surface thereof that is visible to a user of the portable electrical device 10 (Fig. 18) when the element is attached to the device, a substantially transparent pocket for carrying an insert to be visible to the user (Fig. 18).

Regarding claim 19, Kikinis further teaches an indicator 25 (Fig. 3) which produces a predetermined indication of an operating state of the apparatus.

Regarding claim 20, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is substantially flat (Fig. 18).

Regarding claim 21, Kikinis further teaches wherein the power-receiving element 98 (Fig. 18) is flexible (portable).

Regarding claim 22, Mickle further teaches a portable electrical device 4 (Fig. 1) and inductive power receiving apparatus 100 (Fig. 1).

Regarding claim 24, Kikinis further teaches wherein the power-receiving element is attached to an internal surface portion of the device (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 25, Kikinis further teaches wherein the internal surface portion is a surface portion of the battery compartment of the device (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 26, Kikinis further teaches wherein the one or more corresponding power connectors of the portable electrical device are internal power connectors (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 27, Kikinis further teaches wherein the one or more corresponding power connectors of the portable electrical device are battery connectors (Page 11 line 28-Page 12 line 4, and Page 33 lines 4-15).

Regarding claim 28, Kikinis teaches a power-receiving element 98 (Fig. 18) in the form of a sticker (obvious that the power receiver element must be secured to the device by a sticker, screws, fasteners, etc.) adapted to be attached adhesively to a surface portion of a portable electrical device 10 (Fig. 18), the element being adapted to receive power wirelessly from a transmitter of power when the element and transmitter are in proximity with one another, and having an electrical connection from which an electrical connection can be made to a power connector of the device (Page 11 line 28-

Page 12 line 4 and Page 33 lines 4-15). Kikinis fails to teach an inductive power-receiving element and for use with a separate device.

Mickle teaches an inductive power-receiving element 100 (Fig. 1) adapted to be attached adhesively to a surface portion of a portable electrical device 4 (Fig. 1), the element being adapted to receive power wirelessly by electromagnetic induction 30 (Fig. 1) from a transmitter of power 2 (Fig. 1) when the element and transmitter are in proximity with one another (Section 0030).

Kikinis and Mickle fails to teach a power-receiving element for use with a separate device.

Dayan teaches a power-receiving element for use with a separate device that is not able on its own to receive power wirelessly 118 (Figure 9 and 10 and Col. 8 lines 17-33), wherein the adhesive attachment between the power-receiving element 118 (Fig. 9 and 10) and the portable electrical device 112 (Fig. 9 and 10) is separate from the electrical connection 126 (Fig. 9 and 10).

Regarding claim 30, Kikinis further teaches wherein a side of the sticker opposite its adhesive side conforms in appearance to surface portions of the portable electrical device that will be adjacent to the opposite side when the sticker is attached to the device (Fig. 18, obvious in order to attach the receiving element to the device).

Regarding claim 31, Kikinis further teaches wherein the sticker has, on its side opposite its adhesive side, a substantially transparent pocket for carrying an insert (Fig. 18, obvious in order to make the appearance look better).



Regarding claim 38, method claim 38 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps. Note, Dayan teaches in Column 8 lines 23-27 that the adapter can be screwed onto the cover of a battery compartment and therefore it is obvious the newly created adapter cover can be used on a replaceable cover or be considered a replaceable cover.

Regarding claim 39, Kikinis further teaches wherein the power-receiving element is applied to the rear of the battery compartment of the portable electrical device (Col. 8 lines 23-27).

Regarding claim 43, Kikinis further teaches wherein the wireless power receiving apparatus further comprises power-conditioning circuitry operable to condition the power received by the power-receiving element prior to delivery to the portable electrical device (Page 11 line 28-Page 12 line 4 and Page 33 lines 4-15).

Regarding claim 52, Dayan further teaches having one or more electrical connections extending between said power-receiving element and said one or more power connectors, said one or more electrical connections being detachable from said power-receiving element and/or from said one or more power connectors when the apparatus is not in use (Figure 9 and 10 and Col. 8 lines 17-33).

Regarding claim 53, Dayan further teaches wherein said sticker has a removable backing sheet on its adhesive side which is removed at the time of attaching the element to the device (Col. 8 lines 17-33).

Regarding claim 54, apparatus claim 54 is rejected for the same reason as apparatus claims 28 and 38 since the recited elements would perform the claimed steps.

Regarding claim 55, Dayan further teaches having one or more battery connectors adapted to connect to one or more corresponding battery connectors of the device and/or to terminals of one or more batteries installed in the device (Figure 9 and 10 and Col. 8 lines 17-33).

Regarding claim 56, Dayan further teaches wherein said one or more battery connectors of the cover portion are adapted to be interposed between said battery terminals and said corresponding battery connectors of the device (Figure 9 and 10 and Col. 8 lines 17-33).

Regarding claim 57, Dayan further teaches wherein the battery compartment carries or incorporates at least one rechargeable battery such that, when the replacement cover portion is in place on a device, the battery is installed operatively in the battery compartment, the power-receiving element being connected operatively to the battery for charging the battery when power is received wirelessly from the transmitter (Figure 9 and 10 and Col. 8 lines 17-33).

Regarding claim 58, Dayan further teaches a handset of a mobile communications network 10 (Fig. 18).

Regarding claim 59, Dayan further teaches wherein said power-receiving element forms part of a replacement cover portion of the portable electrical device (Figure 9 and 10 and Col. 8 lines 17-33).

Regarding claim 61, apparatus claim 61 is rejected for the same reason as apparatus claims 1 and 28 since the recited elements would perform the claimed steps.

Regarding claim 62, Dayan further teaches wherein the inductive power-receiving element and the portable electrical device are attached with a clip (Col. 8 lines 21-27).

***Response to Arguments***

Applicant's Remarks	Examiner's Response
"Applicants submit that there is no motivation to combine the adaptor feature of Dayan with Mickle and Kikinis to arrive at the subject matter recited in independent claims 1, 28, 38, 54, or 61."	In response to applicant's argument that Dayan's adaptor feature can not be motivated to be combined with Mickle and Kikinis, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Dayan, Mickle, and Kikinis all teach

	receiving power wirelessly. Dayan is only used to show that a separate power receiving device can be attached to a portable device. It is simple substitution to combine Dayan's power adaptor into Mickle's and Kikinis's power receivers.
"With respect to independent claim 1, none of Dayan, Kikinis, or Mickle disclose an inductive power-receiving element adapted to be applied to the inside of the device."	Examiner believes applicant is reading more into the claims than present. Mickle (Page 11 line 28-Page 12 line 4 and Page 33 lines 4-15) and Dayan (Col. 8 lines 17-33) teaches power receiving devices which is applied inside the device to the batteries (i.e. recharge the batteries).
"With respect to independent claim 38, none of Dayan, Kikinis, or Mickle disclose a method of adapting a portable electrical device having no inductive power receiving capability to have such a capability by detaching a replaceable cover portion not capable of receiving inductive power that forms the rear of the battery compartment and attaching a different replaceable cover	Again, examiner believes applicant is reading the claims too narrow. Dayan teaches in Column 8 lines 23-27 that the adapter can be screwed onto the cover (i.e. can be of a battery compartment or any cover) and therefore it is obvious the newly created adapter cover can be used on a replaceable cover or be considered a replaceable cover.

portion to the device to form the rear of the battery compartment.”	
“With regard to independent claim 54, there is no suggestion in Kikinis, Mickle, or Dayan of (1) a portable device that is not able on its own to receive power wirelessly by electromagnetic induction, (2) a replacement cover for a portable device, or (3) an inductive power receiving element on or in the body of the replacement cover and adapted to receive power wirelessly by electromagnetic induction.”	See above responses.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 8:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nay A. Maung/  
Supervisory Patent Examiner, Art Unit 2618

/Andrew Wendell/  
Examiner, Art Unit 2618

2/17/2010